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Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JENS ERIK SORENSEN, as Trustee of)	Case No. 08 CV 00095 JW RS
SORENSEN RESEARCH AND)	
DEVELOPMENT TRUST,)	REPLY TO COUNTERCLAIM OF
)	LEXAR MEDIA, INC.
Plaintiff)	
v.)	
)	
LEXAR MEDIA, INC., a Delaware)	
Corporation; and DOES 1 – 100,)	
)	
Defendants.)	
)	
)	
and related counterclaims.)	
)	
)	

1 Plaintiff/Counterdefendant Jens Erik Sorensen as Trustee of Sorensen
2 Research and Development Trust ("SRDT"), hereby responds to the specific
3 paragraphs of the Counterclaims of Defendant/Counterclaimant Lexar Media, Inc.:

4 1. Upon information and belief, admit.

5 2. Admit.

6 3. Paragraph 3 constitutes a series of legal conclusions and thus need not
7 be admitted or denied as phrased. However, SRDT admits that this Court has
8 subject matter jurisdiction over this dispute, and admits that venue is proper.

9 4. Admit.

10 FIRST CAUSE OF ACTION

11 5. Deny.

12 6. Deny.

13 SECOND CAUSE OF ACTION

14 7. Deny.

15 8. Deny.

16 **WHEREFORE**, SRDT prays that judgment on Lexar's Cross-Complaint be
17 entered as follows:

18 a. For judgment in favor of SRDT and against Lexar's on all requested
19 relief;

20 b. That this case is decreed an "exceptional case" for reasons including the
21 fact that Lexar is simultaneously requesting the "immediacy" of declaratory relief
22 and a litigation stay of indefinite length, indicating a failure of prosecutorial intent,
23 and that SRDT be awarded reasonable attorneys' fees by the Court pursuant to 35
24 U.S.C. § 285;

25 c. For costs of suit herein incurred;

1 d. For such other and further relief as the Court may deem just and proper.

2
3 DATED this Monday, March 31, 2008.

4 JENS ERIK SORENSEN, as Trustee of
5 SORENSEN RESEARCH AND DEVELOPMENT
6 TRUST, Plaintiff

7
8 /s/ Melody A. Kramer

9 Melody A. Kramer, Esq.

10 J. Michael Kaler

11 Attorney for Plaintiff
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PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Monday, March 31, 2008, I served the following documents:

REPLY TO COUNTERCLAIM OF LEXAR MEDIA, INC.

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jared Bobrow jared.bobrow@weil.com Weil, Gotshal & Manges LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065	Lexar Media, Inc.	Email--Pleadings Filed with the Court via CM/ECF

- ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
- ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
- ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.
- ☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.
- ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.
- ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

1
2 I declare that the foregoing is true and correct, and that this declaration was executed on Monday,
3 March 31, 2008, in San Diego, California.

4
5 /s./ Melody A. Kramer

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Melody A. Kramer
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